

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

CHRIS JAMES LEONARD

PETITIONER

VERSUS

CIVIL ACTION NO. 5:10-cv-37-DCB-MTP

STATE OF MISSISSIPPI, et al.

RESPONDENTS

**ORDER DENYING COA**

This Court adopted the Report and Recommendation of the Magistrate Judge and denied Petitioner's Motion pursuant to 28 U.S.C. § 2241 on March 1, 2011 [docket entry no. 27]. Petitioner has now filed Notice of Appeal as to the judgment against him. Pursuant to 28 U.S.C. § 2253(c), Petitioner is required to obtain a Certificate of Appealability ("COA") before proceeding with his appeal. Though Petitioner has not specifically moved for a COA, this Court will construe the Notice of Appeal as a Motion for COA. See Alexander v. Johnson, 211 F.3d 895, 898 (5th Cir. 2000)(holding that district court can deny COA *sua sponte*).

Pursuant 28 U.S.C. § 2253(c), the Court finds that the petitioner has failed to show (1) that reasonable jurists would find this Court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000). The Court therefore denies a certificate of appealability.

IT IS, THEREFORE, ORDERED AND ADJUDGED that a certificate of appealability is **DENIED**.

**SO ORDERED AND ADJUDGED**, this the 11th day of April 2011.

s/ David Bramlette

**UNITED STATES DISTRICT JUDGE**